

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

TIFFANY WALKER, AS GUARDIAN OF TEYVAIN
COX, A MINOR, ET AL

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:06cv00030-DCB-JMR

SMITTY'S SUPPLY, INC., A FOREIGN
CORPORATION

DEFENDANT

ORDER

This cause is before the Court on the plaintiffs' Motion to Withdraw Motion for Remand and Implement New Scheduling Order [docket entry no. 74]. Having carefully considered the Motion, docket, applicable statutory and case law, and being fully advised as to the premises, the Court orders as follows:

This action was removed from the Circuit Court of Wilkinson County, Mississippi on March 7, 2006. More than a year later on May 4, 2007, the plaintiffs filed a Motion to Remand [docket entry no. 54]. On May 24, 2007, the defendant responded [docket entry no. 62], to the plaintiff's Motion to Remand. On June 22, 2007, the plaintiffs filed a Motion to Withdraw [docket entry no. 74], wherein the plaintiffs seek to withdraw their motion to remand. Federal Jurisdiction is proper in this matter. In their Motion to Withdraw, the plaintiffs state that the defendant has no objection to the withdrawal of the Motion to Remand. The defendant has not responded. Uniform Local Rule 7.2[C][2] of the Southern District

of Mississippi, states that "if a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed." Accordingly,

IT IS HEREBY ORDERED that the Motion to Withdraw Motion for Remand and Implement New Scheduling Order **[docket entry no. 74]** is **GRANTED.**

IT IS FURTHERED ORDERED that the plaintiff's Motion to Remand **[docket entry no. 54]** is **MOOT.**

SO ORDERED, this the 13th day of August, 2007.

s/ David Bramlette
United States District Judge